INJUNCTION—LABOR UNIONS—EFFECT OF CLAYTON ACT.—An injunction was issued against defendant labor union and individuals representing labor interests, prohibiting their interfering, by picketing, with the operations of a manufacturing company engaged in interstate commerce. *Held,* such an order did not violate the Clayton Act, Sec. 6 (COMP. S. 8835f), providing that the existence and operation of labor organizations is not forbidden and that such organizations and their members shall not be held to be illegal combinations or conspiracies in restraint of trade under the anti-trust laws. *Quinlivan* v. *Dail-Overland Co.* (C. C. A., 6th Circ., 1921), 274 Fed. 56.

Section 20 of the Clayton Act has frequently been before the courts, and it is now well established that that section of the act has not changed the law as it existed prior to its enactment as to the enjoining of labor unions which were acting in violation of the anti-trust laws. See *Alaska S. S. Co.* v. *Longshoremen's Assn.,* 236 Fed. 964; *Stephens* v. *Ohio State Telephone Co.,* 240 Fed. 759; *Duplex Co.* v. *Deering,* 254 U. S. 443; 15 MICH. L. REV. 671. Section 6 is the other important section of this act which has to do with labor organizations. It begins: "The labor of a human being is not a commodity or article of commerce." This does not prevent the acts of combinations of laborers from coming within the purview of the Sherman Act if they interfere unlawfully with interstate commerce in commodities. KALES, CONTRACTS AND COMBINATIONS IN RESTRAINT OF TRADE, §157. It is next provided that the anti-trust laws shall not be construed to forbid the existence and operation of labor organizations instituted for the purposes of mutual help and not having capital stock or conducted for profit, or to forbid or restrain them or their individual members from lawfully carrying out the legitimate objects thereof. This is nothing more than common law; nor does the Sherman Act expressly or by implication forbid what this portion of the act allows. But the converse is not true. The act does not allow such organizations to carry out legitimate objects unlawfully nor lawfully to act toward illegitimate ends. This is well pointed out in *Dail-Overland Co.* v. *Willys-Overland* (this same case in the court below), 263 Fed. 171. The same case holds that after as well as before this legislation, injunction lies against a labor organization making an improper use of its powers. The concluding clause of Section 6 says that "such organizations [*i. e.,* such as are described in the preceding excerpt] and the members thereof" shall not "be held or construed to be illegal combinations or conspiracies in restraint of trade under the anti-trust laws." Mr. Kales, in the work above quoted, Sec. 159, says: 'The care with which Section 6 affirms the legality of organizations and acts which were valid at the common law, and therefore under the Sherman Act, raises the inference very clearly that labor organizations and the acts of such organizations, which, by reason of their being not merely for mutual help but for the purpose of monopoly and to exclude others from the labor market, were illegal at common law and under the Sherman Act, are still illegal under the Clayton Act." Subsequently decided cases have justified this position. The principal case, as well as the case below, refrained from passing on this point as well as on the first clause of the section; the court below saying that plaintiff, in asking for an injunction

against picketing, was not calling upon the court to decide that labor was a commodity or that the defendant union was a combination in restraint of trade. The principal case dismisses consideration of Section 6 with the statement that it did not apply to the facts. However, in *Lamar* v. *U. S.*, 260 Fed. 561, it was held that this section does not prevent a criminal prosecution under the Sherman Act, for a conspiracy to restrain foreign trade by inducing or causing strikes, on the grounds that the act did not permit lawful organizations to be used for improper purposes. In *Duplex Co.* v. *Deering, supra,* the point was directly raised in the United States Supreme Court. This was a case of secondary boycott, which the court recognized as coming within the rule of *Loewe* v. *Lawlor,* 208 U. S. 274 (holding that labor organizations, while not unlawful *per se,* may be unlawful if they act in restraint of interstate commerce, contrary to the provisions of the anti-trust laws), unless the Clayton Act should forbid. In interpreting Section 6, the court arrived at the same conclusion as Mr. Kales, saying: "There is nothing in Section 6 to exempt such an organization [*i. e.,* a *normal* labor organization] or its members from accountability where it or they depart from its normal and legitimate objects and engage in an actual combination or conspiracy in restraint of trade." The result of the decisions is that the Clayton Act has neither added to nor detracted from the law of equitable relief from the legally unjustifiable acts of labor organizations.

LAW OF NATIONS—RECOGNITION—VALIDITY ABROAD OF ACTS OF AN UNRECOGNIZED GOVERNMENT.—The plaintiff was a Russian company which had been engaged in the manufacture in Russia of veneer or plywood. The Soviet government confiscated its mill and manufactured stock. Subsequently the Soviet government sent to Great Britain a commercial delegation under the headship of L. B. Krassin. Krassin sold a part of the confiscated veneer to defendants. When the veneer arrived it was claimed by the plaintiff company. Plaintiff's right depended upon the validity of the Soviet decree of confiscation. The validity of the decree in a British court, depended upon the recognition which Great Britain had given the Soviet Government. Communications from the Foreign Office were admirably calculated to mystify. Defendants' solicitors were informed that "His Majesty's Government assent to the claim of the Delegation to represent in this country a State Government of Russia." To an inquiry from the plaintiff's solicitors, on the other hand, the Foreign Office replied as follows: "I am to inform you that for a certain limited purpose His Majesty's Government has regarded M. Krassin as exempt from the process of the Courts, and also for the like limited purpose His Majesty's Government has assented to the claim that that which M. Krassin represents in this Country is a State Government of Russia, but that beyond these propositions the Foreign Office has not gone, nor, moreover, do these expressions of opinion purport to decide difficult and, it may be, very special questions of law upon which it may become necessary for the courts to pronounce. I am to add that His Majesty's Government have never officially recognized the Soviet Government in any way." Roche, J., held that the Soviet Government had not been recognized, and gave judg-